

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 17 - 37 are pending in the application. Claims 17 - 27, 36, and 37 stand rejected; and claims 28 - 35 stand withdrawn from consideration.

By the present amendment, claims 17, 18, and 36 have been amended.

In the office action mailed September 14, 2009, claims 18, 19, and 36 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite; claims 17, 20, 23, 25, 36, and 37 were rejected under 35 U.S.C. 102(b) as being anticipated by JP 2000-135288 to Maruyama et al.; and claims 17 - 22 and 24 - 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,543,090 to McCoy in view the article Abadie et al.

The foregoing rejections are traversed by the instant response.

With regard to the rejection of claims 18, 19 and 36 on indefiniteness grounds, appropriate correction has been made to claim 36. With regard to claim 18, an appropriate amendment has been made to delete the subject matter which is present in claim 19. With regard to the contents of claims 18 and 19, they are well supported by the specification. See paragraph 0038. While the language in the specification is not identical to the claim language, one of ordinary skill in the art reading the detailed description would understand the actuators to be the leaves. The rejection is moot in view of the foregoing amendments. The Examiner is requested to remove same.

As amended herein, claim 17 is directed to an orientable longitudinal structure comprising: an assembly of substantially longitudinal actuators made of shaped memory alloy; n-doped and p-doped Peltier elements, and electric control means; said actuators being arranged in pairs and positioned in parallel in an antagonist way opposite to each other with respect to their respective memorized shape; each said actuator being in contact substantially at its ends with an n-doped Peltier element and a p-doped Peltier element, respectively; the assembly being mounted in series with the electric control means to form a thermoelectric circuit so that, for a fixed direction of an applied current, one of the actuators of each said pair will heat and will undergo a flexion towards its memorized shape, and the actuator positioned in the antagonist way will cool and undergo a flexion opposite its memorized shape. Support for the amendments to claim 17 can be found in paragraphs 0049 and 0057 - 0063.

It is submitted that claim 17 as amended is not anticipated by the Maruyama et al. reference. Maruyama et al is directed to providing a cylindrical moving element which can be bent or rotated in a required direction and whose response speed is high. Maruyama et al. lacks "[an] assembly being mounted in series with the electric control means to form a thermoelectric circuit so that, for a fixed direction of an applied current, one of the actuators of each said pair will heat and will undergo a flexion towards its memorized shape, and the actuator positioned in the antagonist way will cool and undergo a flexion opposite its memorized shape." For this reason, claim 17 is allowable over Maruyama et al.

Claims 20, 23, 25, 36, and 37 are allowable for the same reasons as claim 17 as well as on their own accord.

With regard to the obviousness rejection based on McCoy and Abadie et al., neither reference teaches or suggests "[an] assembly being mounted in series with the electric control means to form a thermoelectric circuit so that, for a fixed direction of an applied current, one of the actuators of each said pair will heat and will undergo a flexion towards its memorized shape, and the actuator positioned in the antagonist way will cool and undergo a flexion opposite its memorized shape." Since neither reference discloses these limitations, the two of the references when combined do not render obvious the subject matter of amended claim 17.

Claims 18 - 22 and 24 - 27 are allowable for the same reasons as claim 17 as well as on their own accord.

For the foregoing reasons, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, he is hereby invited to contact Applicants' attorney at the telephone number listed below.

A one-month extension of time request is enclosed herewith. The Director is hereby authorized to charge the one month extension of time fee in the amount of \$130.00 to Deposit Account No. 02-0184.

If the Director determines that an additional fee is due, he is hereby authorized to charge said fee to said Deposit Account No. 02-0184.

Respectfully submitted,

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